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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
की रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 2nd
August, 1984:—

BILL No. XVII OF 1984

A Bill further to amend the Cinematograph Act, 1952.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of
India as follows:—

1. This Act may be called the Cinematograph (Amendment) Act, 1984.

Short
title

37 of 1952.

2. In the Cinematograph Act, 1952 (hereinafter referred to as the
principal Act), section 6B shall be omitted.

Omission
of section
6 B.

3. In section 7 of the principal Act, in sub-section (1),—

Amend-
ment of
section 7

(a) for the words "he shall be punishable with imprisonment for
a term which may extend to two years, or with fine which may
extend to twenty thousand rupees, or with both, and in the case of a
continuing offence with a further fine which may extend to five
thousand rupees for each day during which the offence continues:"
the following shall be substituted, namely:—

"he shall be punishable with imprisonment for a term which
may extend to three years, or with fine which may extend to one

lakh rupees, or with both, and in the case of a continuing offence with a further fine which may extend to twenty thousand rupees for each day during which the offence continues:

Provided that a person who exhibits or permits to be exhibited in any place a video film in contravention of the provisions of sub-clause (i) of clause (a) shall be punishable with imprisonment for a term which shall not be less than three months, but which may extend to three years and with fine which shall not be less than twenty thousand rupees, but which may extend to one lakh rupees, and in the case of a continuing offence with a further fine which may extend to twenty thousand rupees for each day during which the offence continues:

Provided further that a court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months, or a fine of less than twenty thousand rupees:"

(b) in the existing first proviso, for the words "Provided that", the words "Provided also that" shall be substituted;

(c) in the existing second proviso, for the words 'Provided further', the words "Provided also shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The penalty provided in section 7 of the Cinematograph Act, 1952, for contravention of the provisions of Part II of the Act and the rules framed thereunder is as follows.—

“imprisonment for a term which may extend to two years, or with fine which may extend to twenty thousand rupees, or with both and in the case of a continuing offence with a further fine which may extend to five thousand rupees for each day during which the offence continues.”.

2. There are various kinds of contraventions of Part II of the Act. These include exhibition of uncensored films or certified films with portions directed to be deleted by the Central Board of Film Certification or portions not shown to the Board (which are called ‘interpolations in films’ in common parlance) showing adult films to non-adults, failure to comply with any order of the Central Government or the Board in exercise of the powers conferred on it by the Act or the rules made thereunder, etc.

3. Because of the video boom in the country, there are reports that uncertified video films are being exhibited on a large scale. A large number of video parlours have sprung up all over the country and they exhibit such films recorded on video tapes by charging admission fee from the clients. Among other things, this has also hit the Indian film industry very adversely. It is felt that there should be more stringent punishment provided in the Cinematograph Act, 1952, to curb this practice of exhibiting uncertified Indian/foreign films by video parlours, etc.

4. It is, therefore, proposed (*vide* clause 3) to amend section 7 of the Act as follows:—

(i) to enhance the punishment for an offence under section 7 of the Act to imprisonment for a term which may extend to three years or with fine which may extend to one lakh rupees or both,

(ii) in the case of a continuing offence, to enhance the punishment to a further fine which may extend to twenty thousand rupees for each day during which the offence continues;

(iii) in the case of exhibition of video films in contravention of the provisions of sub-clause (i) of clause (a) of sub-section (1) of section 7 of the Act, to provide for the minimum punishment of imprisonment for a term of not less than three months and a fine of not less than twenty thousand rupees. The court shall, however, have power to impose a punishment less than the minimum for adequate and special reasons to be mentioned in the judgment

5. Under the Code of Criminal Procedure, 1973, the offences punishable with imprisonment for three years and upwards are cognizable offences. Since the quantum of imprisonment for the offences under Part II is proposed to be increased to three years, the offences under that Part shall be cognizable offences even under the general law contained in the Code of Criminal Procedure. Section 6B of the Act will, therefore, become redundant and is sought to be omitted by clause 2 of the Bill.

6. The Bill seeks to achieve the above objects.

NEW DELHI;
The 27th July, 1984.

H. K. L. BHAGAT.

SUDARSHAN AGARWAL,
Secretary-General

The 27th July, 1984.